

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

CYNTHIA F. TONEY, a/k/a/  
CYNTHIA F. PASSMORE,

Plaintiff,

v.

MEDICAL DATA SYSTEMS, INC.  
d/b/a MEDICAL REVENUE  
SERVICES, INC.,

Defendant.

CASE NO. 2:06-CV-949

**DEFENDANT'S MOTION FOR RECONSIDERATION OF THIS COURT'S GRANT OF  
PLAINTIFF'S MOTION TO EXTEND DISPOSITIVE MOTION DEADLINE AND  
ORDER SETTING THE BRIEFING SCHEDULE FOR SUCH MOTION**

COMES NOW, Defendant Medical Data Systems, Inc. ("MDS"), by and through its undersigned counsel, and files this Response to Plaintiff's motion to extend the dispositive deadline in this matter.

1. On December 4, 2007, the Honorable Harold W. Albritton entered a judgment against MDS in the consolidated cases of Carn v. Medical Data Systems, Inc., d/b/a Medical Revenue Services, Inc., case numbers 1:07-CV-369-WHA and 1:07-CV-370-WHA.
2. MDS filed a notice of appeal on December 14, 2007 with the District Court indicating its intention to appeal the District Court's decision in Carn to the Eleventh Circuit Court of Appeals.
3. The Eleventh Circuit Court of Appeals docketed MDS's appeal on December 20, 2007. MDS is highly confident that it will succeed on appeal.

4. Therefore, MDS submits that the District Court's decision in Carn does not constitute a final order and therefore, is not binding upon this Court until MDS's pending appeal is resolved by the Eleventh Circuit.

5. Additionally, on October 23, 2007, Plaintiff previously filed a motion with this Court seeking to extend the dispositive motion deadline. Plaintiff filed that motion on the same day that dispositive motions were due. This Court denied Plaintiff's motion that same day. In that previous motion, Plaintiff asserted that a decision in Andrews v. Medical Data Systems, Inc., case number 1:06-CV-729 might entitle Plaintiff to summary judgment based on the legal principle of collateral estoppel. To date, there has been no decision in Andrews and it is set for trial on February 25, 2007 before the Honorable Myron Thompson.

6. Now, in Plaintiff's most recent motion to reset the dispositive motion deadline, Plaintiff again appears to allege that summary judgment is appropriate based upon the decision reached in another consolidated case, Carn v. Medical Data Systems, Inc., case numbers 1:07-CV-369 and 1:07-CV-370.

7. However, contrary to Plaintiff's apparent invocation of the doctrine of non-mutual offensive collateral estoppel in her motion to reset, applying this doctrine under the circumstances of this case is inappropriate as this matter is not factually or legally identical to Carn.

8. To successfully invoke the collateral estoppel doctrine, a party must demonstrate that: (1) the issue at stake in a pending action is identical to the issues involved in the prior litigation; (2) the issue must have been actually litigated in the prior suit; (3) the determination of the issue in the prior litigation must have been a critical and necessary part of the judgment in the action; and (4) the party against whom the earlier decision is asserted must have had a full and

fair opportunity to litigate the issue in the earlier proceeding. Barger v. City of Cartersville, 348 F.3d 1289, 1293 (11th Cir. 2003) (citing In re McWhorter, 887 F.2d 1564 (11th Cir. 1989)).

9. Additionally, while parties are not precluded from attempting to assert non-mutual offensive collateral estoppel, under federal law, this is not a widely favored application of the collateral estoppel doctrine. See Parkland Hosiery Co. v. Shore, 439 U.S. 322, 329-31 (1979) (while ultimately holding courts should have broad discretion to determine whether non-mutual offensive collateral estoppel is appropriate in any given case, the Court noted a host of reasons why this doctrine, when used offensively by a party against a defendant when that party was not part of the prior suit against the defendant, should be permitted only sparingly and with great caution).

10. While this matter involves a similar letter as the letter sent by MDS to the plaintiff in Carn, sufficient factual differences exist to make any application of the doctrine of non-mutual collateral estoppel inappropriate in this matter.

11. Specifically, there is additional deposition testimony available in this matter that was not available to either party in Carn and which establishes that MDS does attempt to obtain the information regarding the assets listed in its collection letters through various collection methods, which include asking the debtors themselves about those assets. This evidence presents different factual and legal arguments that MDS asserts will result in a different outcome in this matter and which could not be asserted in Carn due to the absence of this evidence.

12. Additionally, on October 5, 2007, MDS served various discovery requests upon Plaintiff, including requests to produce documents, requests to admit, and interrogatories. MDS also served a notice of deposition upon Plaintiff and which MDS intends to take, upon receipt of

Plaintiff's discovery responses. See Exhibit 1, MDS's Notice of Deposition and Discovery Requests, served October 5, 2007.

13. However, to date, MDS has not had the opportunity to depose Plaintiff and has not received any responses to any of its discovery requests due to Plaintiff's repeated delay in responding to MDS's discovery requests or agree to an acceptable date for deposition. See Exhibit 2, October 30, 2007 and November 29, 2007 e-mail correspondence between Stefanie Jackman, David Poston, and Walter Blakeney relating to rescheduling Plaintiff's deposition.<sup>1</sup>

14. Pursuant to the previous scheduling order that was in effect in this case, MDS propounded these discovery requests and notice of deposition in a timely manner and would have had the benefit of this information in responding to any dispositive motions (had they been filed), as well as in preparing for trial.

15. This additional discovery may lead to additional evidence demonstrating why Plaintiff is not entitled to summary judgment or any other sort of judgment against MDS. At a minimum, should this Court determine that it is not appropriate to re-impose the stay in this matter in light of MDS's motion to stay, filed contemporaneously with this motion, MDS is entitled to the benefit of receiving responses to its timely-filed discovery requests, as well as the opportunity to depose Plaintiff in the interest of fairness and equity prior to having to respond to any dispositive motions filed by Plaintiff.

16. Additionally, the length of time that MDS had the debt accounts in Carn informed the District Court's decision in that matter. Specifically, the court specifically noted that MDS had held on to the debtor accounts at issue in Carn for over four years. See Exhibit 3, MDS's

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<sup>1</sup> In light of the previous stay in this matter, as well as Plaintiff's assurances that MDS would receive responses to its discovery, MDS has not filed a motion to compel responses to its discovery.

Face Sheet for James and Wendy Cambron. Additionally, in Carn, MDS sent numerous letters to the debtors. See Exhibit 3, Account Face Sheets for James and Wendy Cambron, the debtors in the Carn bankruptcy matter.

17. Presumably, according to the evidence presented in Carn with respect to MDS's actions on those particular debt accounts, these facts caused the court to conclude that MDS had sufficient time to conduct an investigation of the debtors' assets, which informed the court's ultimate determination that MDS did not intend to do what its collection letter allegedly "implicitly threatened."

18. In contrast, MDS had Plaintiff's account for only seven months prior to Plaintiff declaring bankruptcy and during that time, had numerous discussions with Plaintiff and set up numerous payment plans, which Plaintiff continuously failed to abide by prior to declaring bankruptcy on September 7, 2006. See Exhibit 4, MDS's Face Sheet for Leticia Andrews. Plaintiff's agreement to various payment plans and then refusal to make good on her promises under those plans resulted in MDS delaying further collection efforts in the hope of securing payment through Plaintiff's cooperation and, upon further discovery by MDS, may be able to be fairly characterized as "stall tactics."

19. In fact, MDS continued to try to work with Plaintiff to obtain repayment on her account up through August, 18, 2006 when Plaintiff again defaulted on her payment plan obligations and MDS moved her account into default status. See Exhibit 4. Approximately two weeks later, Plaintiff declared bankruptcy, thereby precluding any further collection efforts by MDS on her account. See Exhibit 4.

20. Given that MDS continued to try to work with Plaintiff to receive payment on her account and given that MDS handles thousands of debt accounts, there is no conclusive evidence

to suggest that the outcome in this matter necessarily would be the same as it was in Carn – namely, that MDS would not engage in a further collection investigation. Therefore, unlike Carn, the facts in this case do not establish the same alleged “track record” of inaction.

21. For all these reasons, MDS requests that this Court deny Plaintiff’s request for an extension based upon the grounds alleged by Plaintiff in her motion or, in the alternative, reset the dispositive motion deadline to allow for sufficient time for Plaintiff to provide her promised discovery responses and be made available for deposition.

Respectfully submitted this 28th day of December, 2007.

s/ J. Kirkman Garrett

James C. Huckaby, Jr.

J. Kirkman Garrett

*Local Counsel for*

*Medical Data Systems, Inc.*

CHRISTIAN & SMALL LLP

505 North 20th Street, Suite 1800

Birmingham, AL 35203

Tel. (205) 795-6588

Fax (205) 328-7234

John G. Parker

(Admitted *pro hac vice*)

Georgia Bar No. 562425

Stefanie H. Jackman

(Admitted *pro hac vice*)

Georgia Bar No. 335652

*Counsel for Medical Data Systems, Inc.*

Paul, Hastings, Janofsky & Walker, LLP

600 Peachtree Street, N.E.

Suite 2400

Atlanta, Georgia 30308

(Tel.) 404-815-2400

(Fax) 404-815-2424

**Certificate of Service**

I hereby certify that on this 28th day of December, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to:

Michael D. Brock, Esq.  
Cary Wyatt Stout, Esq.  
Walter Allen Blakeney, Esq.  
David Gerald Poston, Esq.  
BROCK & STOUT  
PO Drawer 311167  
Enterprise, AL 36331-1167

s/ J. Kirkman Garrett  
J. Kirkman Garrett  
Of Counsel

# Exhibit 1



**PaulHastings**

Paul, Hastings, Janofsky & Walker LLP  
600 Peachtree Street, N.E.  
Twenty-Fourth Floor  
Atlanta, GA 30308  
telephone 404-815-2400 • facsimile 404-815-2424 • www.paulhastings.com

Atlanta  
Beijing  
Brussels  
Chicago  
Hong Kong  
London  
Los Angeles  
Milan  
New York  
Orange County  
Palo Alto  
Paris  
San Diego  
San Francisco  
Shanghai  
Stamford  
Tokyo  
Washington, DC

(404) 815-2298  
stefaniejackman@paulhastings.com

October 5, 2007

32840.00008

David G. Poston, Esq.  
Brock & Stout  
PO Drawer 311167  
Enterprise, Alabama 36331-1167

RE: *Cynthia Toney v. Medical Data Systems, Inc.*  
In the United States District Court for the Middle District of Alabama  
Case No. 2:06-CV-949

Dear David:

Enclosed, please find Medical Data Systems, Inc.'s first set of discovery requests propounded in *Toney v. Medical Data Systems, Inc.*, case no 2:06-CV-949. Also, included is a Notice of Deposition for Cynthia Toney.

Please feel free to contact me with any questions. I look forward to receiving your responses.

Sincerely,



Stefanie Jackman  
for PAUL, HASTINGS, JANOFSKY & WALKER LLP

Enclosures  
LEGAL\_US\_E # 76667693.1

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**CYNTHIA TONEY,**

**Plaintiff,**

**v.**

**MEDICAL DATA SYSTEMS, INC. d/b/a  
MEDICAL REVENUE SERVICES, INC.,**

**Defendant.**

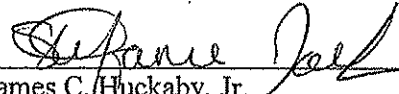
**CASE NO. 2:06-CV-949**

**NOTICE OF DEPOSITION OF  
CYNTHIA TONEY**

PLEASE TAKE NOTICE that pursuant to Federal Rules of Civil Procedure 26 and 30, Defendant will take the deposition of Cynthia Toney on Tuesday, December 4, 2007, beginning at 10:00 a.m., at the offices of Christian & Small LLP, 505 20th St. N., Suite 1800, Birmingham, Alabama, 35203. The deposition will be taken for the purposes of discovery and all other purposes allowed by law. The deposition will be taken before an officer authorized by law to administer oaths and will be recorded by stenographic means and/or videotape.

This 5 day of October, 2007.

Respectfully submitted,

  
James C. Huckaby, Jr.  
J. Kirkman Garrett

*Local Counsel for  
Medical Data Systems, Inc.*

CHRISTIAN & SMALL LLP  
505 North 20th Street  
Suite 1800  
Birmingham, AL 35203  
Telephone: (205) 795-6588  
Facsimile: (205) 328-7234

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*Counsel for Medical Data Systems, Inc.*

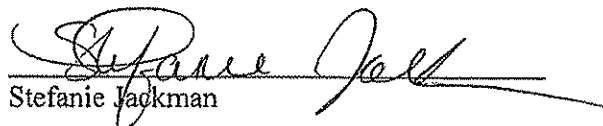
PAUL, HASTINGS, JANOFSKY  
& WALKER LLP  
600 Peachtree Street, N.E.  
Suite 2400  
Atlanta, Georgia 30308-2222  
Telephone: (404) 815-2400  
Facsimile: (404) 815-2424

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing pleading upon all counsel of record in this cause by placing a copy of same in the United States Mail, postage prepaid, addressed as follows:

Michael D. Brock, Esq.  
Gary Wyatt Stout, Esq.  
Walter Allen Blakeney, Esq.  
David Gerald Poston, Esq.  
BROCK & STOUT  
PO Drawer 311167  
Enterprise, AL 36331-1167  
[brockstout@enter.twcbc.com](mailto:brockstout@enter.twcbc.com)  
[walter@circlecitylaw.com](mailto:walter@circlecitylaw.com)  
[david@circlecitylaw.com](mailto:david@circlecitylaw.com)

This 5 day of October, 2007.

  
Stefanie Jackman

PAUL, HASTINGS, JANOFSKY & WALKER LLP  
600 Peachtree Street, N.E.  
Suite 2400  
Atlanta, Georgia 30308-2222  
Telephone: (404) 815-2400  
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IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

CYNTHIA TONEY,

Plaintiff,

v.

MEDICAL DATA SYSTEMS, INC. d/b/a  
MEDICAL REVENUE SERVICES, INC.,

Defendant.

CASE NO. 2:06-CV-949

**DEFENDANT'S FIRST REQUESTS FOR ADMISSIONS TO**  
**PLAINTIFF CYNTHIA TONEY**

COMES NOW the Defendant MEDICAL DATA SYSTEMS, INC. ("Defendant") in the above styled matter and requests that the Plaintiff CYNTHIA TONEY a/k/a CYNTHIA PASSMORE ("Plaintiff"), pursuant to Rule 36 of the Federal Rules of Civil Procedure, answer these requests for admissions outlined below within thirty (30) days after service of same upon you. Defendant requests that Plaintiff's responses are in accordance with the Federal Rules of Civil Procedures and that Plaintiff admit the following:

1. Admit that Plaintiff is a "consumer" as the term is defined by 15 U.S.C. § 1692(a)(3).
2. Admit that Plaintiff received medical services on August 12, 2003 at Medical Center Enterprise.
3. Admit that Plaintiff received medical services on August 19, 2003 at Medical Center Enterprise.

4. Admit that Plaintiff received medical services on November 28, 2003 at Medical Center Enterprise.
5. Admit that Plaintiff previously paid Defendant a total of \$150 towards the Debt.<sup>1</sup>
6. Admit that on May 3, 2006, Plaintiff paid Defendant \$50 towards the Debt.
7. Admit that on June 13, 2006, Plaintiff paid Defendant \$50 towards the Debt.
8. Admit that the Debt is for medical services rendered to Plaintiff by Medical Center Enterprise.
9. Admit that Plaintiff still owes Defendant \$427.65 for medical services rendered to Plaintiff.
10. Admit that the first communication Plaintiff received from Defendant was on April 19, 2006.
11. Admit that Defendant returned a call from Plaintiff on April 27, 2006.
12. Admit that Plaintiff agreed to set up a payment plan for the Debt owing to Defendant.
13. Admit that under the terms of the payment plan, Plaintiff agreed to pay \$50 every thirty (30) days to Defendant.

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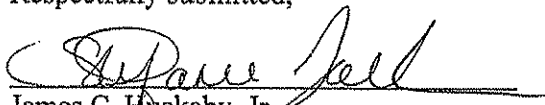
<sup>1</sup> Throughout these requests for admissions, "Debt" is to be construed as that term is defined in the requests to produce served contemporaneously with these requests for admissions.

14. Admit that on or about May 3, 2006, Plaintiff mailed her first \$50 payment under the terms of the payment plan with Defendant.
15. Admit that on or about June 13, 2006, Plaintiff mailed another \$50 payment under the terms of the payment plan with Defendant.
16. Admit that Plaintiff never requested verification of the Debt from Defendant.
17. Admit that, to your knowledge, Defendant never contacted any third parties regarding the Debt.
18. Admit that Plaintiff spoke with Defendant again on July 17, 2006 regarding the Debt.
19. Admit that Plaintiff spoke with Defendant again on August 1, 2006 regarding the Debt.
20. Admit that Plaintiff did not fully comply with the terms of the payment plan set up with Defendant.
21. Admit that Plaintiff filed Chapter 13 bankruptcy on September 7, 2006.
22. Admit that, to Plaintiff's knowledge, Defendant did not communicate with any third parties regarding Plaintiff or the Debt.
23. Admit that Plaintiff never sent a cease communications letter to Defendant.
24. Admit that no facts support your contention that Defendant intimidated Plaintiff into making a \$50 payment towards the Debt on May 3, 2006.

25. Admit that no facts support your contention that Defendant intimidated Plaintiff into making a \$50 payment towards the Debt on June 13, 2006.
26. Admit that you have no evidence that Defendant ever contacted any third parties regarding Plaintiff's Debt.

This 5 day of October, 2007.

Respectfully submitted,

  
James C. Huckaby, Jr.  
J. Kirkman Garrett

*Local Counsel for  
Medical Data Systems, Inc.*

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505 North 20th Street  
Suite 1800  
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& WALKER LLP  
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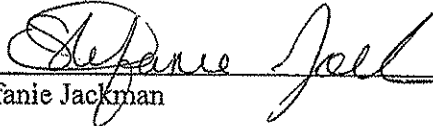


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Enterprise, AL 36331-1167  
[brockstout@enter.twcbe.com](mailto:brockstout@enter.twcbe.com)  
[walter@circlecitylaw.com](mailto:walter@circlecitylaw.com)  
[david@circlecitylaw.com](mailto:david@circlecitylaw.com)

This 5 day of October, 2007.

  
Stefanie Jackman

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600 Peachtree Street, N.E.  
Suite 2400  
Atlanta, Georgia 30308-2222  
Telephone: (404) 815-2400  
Facsimile: (404) 815-2424

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**CYNTHIA TONEY,**

**Plaintiff,**

**v.**

**MEDICAL DATA SYSTEMS, INC. d/b/a  
MEDICAL REVENUE SERVICES, INC.,**

**Defendant.**

**CASE NO. 2:06-CV-949**

**DEFENDANT'S FIRST INTERROGATORIES TO PLAINTIFF**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Defendant MEDICAL DATA SYSTEMS, INC. ("Defendant") serves the following Interrogatories upon Plaintiff, CYNTHIA TONEY a/k/a CYNTHIA PASSMORE ("Plaintiff"), to be answered in accordance with the Rules and the following instructions and definitions:

**GENERAL INSTRUCTIONS AND DEFINITIONS**

1. Plaintiff is required to respond to these requests within thirty (30) days from date of service by mail in the form and manner required under Rule 33 of the Federal Rules of Civil Procedure.
2. Each Interrogatory should be answered upon your entire knowledge from all sources and all information in your possession or otherwise available to you, including information from your agents, representatives or consultants and information which is known by each of them. An incomplete or evasive answer is a failure to answer.

3. If any answer is qualified, state specifically the terms of each qualification and the reasons for it. If an Interrogatory cannot be answered in full, state the part which can be answered and answer the same in full to the extent possible; state further and specifically the reason(s) why the remainder cannot be answered.
4. These Discovery Requests shall be deemed continuing to the extent set forth by the Federal Rules of Civil Procedure so as to require further and supplemental answers by Plaintiff in the event she obtains or discovers additional or different information between the time of her initial answers and the time of any hearing or trial.
5. The terms "Document" or "Documents" in these Interrogatories shall refer to all writings and recorded materials, of any kind, that are or have been in the possession, control or custody of Plaintiff of which Plaintiff has knowledge, whether originals or copies. Such writings or recordings include, but are not limited to, contracts, documents, notes, rough drafts, interoffice memoranda, memoranda for the files, letters, research materials, correspondence, logs, diaries, forms, bank statements, tax returns, card files; books of account, journals, ledgers, invoices, diagrams, drawings, computer files, records, data, print-outs or tapes, reports, statistical computations, studies, graphs, charts, minutes, manuals, pamphlets, or books of all nature and kind whether handwritten, typed, printed, mimeographed, photocopied or otherwise reproduced, all tape recordings (whether for computer, audio, or visual replay) or other written, printed, and recorded matter or tangible things on which words, phrases, symbols or information are recorded.
6. "Person" or "Persons" means and includes any man, woman, individual, corporation, organization, association, partnership, limited partnership, firm, joint venture,

governmental body, agency, governing board, department, division, trust, business trust, or any other entity.

7. "Employee" means and includes any current and former employees, managers, agents, and attorneys of an organization.
8. "You" or "your" refers to Plaintiff Cynthia Toney, a/k/a Cynthia Passmore, and any of her past or present agents, employees, attorneys, consultants, advisors, representatives, or anyone otherwise acting on her behalf.
9. "Plaintiff" means Cynthia Toney, a/k/a Cynthia Passmore.
10. "Defendant" means Medical Data Systems, Inc.
11. "Complaint" means Plaintiff's complaint in this matter.
12. "Debt" or "Debts" means the purported obligation referenced in Plaintiff's Complaint.
13. "Identify" when used with respect to a natural person means to state his full name, present or last known business affiliation, all positions, or business affiliations during the time you maintain records or an account involving Plaintiff.
14. "Identify" when used with respect to any other entity means to state its full name, the address of its principal place of business, and the name of its Chief Executive Officer.
15. "Identify" with respect to a Document means to state the name and title of the Document, the type of Document (i.e. letter, chart, memorandum, etc.) the date of the Document, the Person who wrote the Document, the Person that signed the Document, the Person to

whom the Document was addressed, the Person to whom the Document was sent, its present location, and present custodian.

16. "Credit Reporting Agency" or "Credit Reporting Agencies" means a credit reporting agency as defined by the Fair Credit Reporting Act.

17. If any Interrogatory may be answered fully by a Document, the Document may be attached in lieu of an answer if the Document is marked to refer to the Interrogatory to which it responds.

18. For the purpose of interpreting or construing the scope of these Discovery Requests, terms used should be given their most expansive and inclusive interpretations unless otherwise specifically limited in any particular respect. This includes, without limitation, the following:

- a. Construing "and" as well as "or" in the conjunctive or disjunctive as necessary to make the request more inclusive;
- b. Construing the singular form of a word to include the plural and the plural form to include the singular;
- c. Construing the past tense of a verb to include the present and the present tense to include the past; and
- d. Construing the terms "refer to," "reflect," and "relating to" to include any connection whatsoever, direct or indirect, with the requested subject matter.

19. In answering these Discovery Requests, Plaintiff should furnish such information as is known or is available to her regardless of whether this information is obtained directly by, or known to, her attorneys or other agents or representatives.

### INTERROGATORIES

1. Specifically identify by date all calls or communications from Defendant to you and which you contend were tortious and/or violated the Fair Debt Collection Practices Act, as well as the nature and content of those calls or communications.
2. Describe the terms of any payment plan(s) entered into by Plaintiff with Defendant which related to this Debt, including the date you entered into this payment plan(s), the monthly payment amount on the payment plan(s), payment due dates under the payment plan(s), frequency of payments to Defendant under the payment plan(s), number of payments required under the payment plan(s), number of payments actually made by Plaintiff as well as the amount(s) of those payments under the payment plan(s), and whether you complied with the terms of the payment plan(s) and/or completed your payment obligations in full under the payment plan(s).
3. State the date upon which you retained counsel in this litigation.
4. Identify by date any communications in which you requested that Defendant cease communication and/or in which you stated that you would not pay the Debt or requested verification of the Debt from Defendant.
5. Identify each and every date upon which you have declared bankruptcy, including under which title whether Chapter 7, 13 or otherwise.
6. Identify what facts and evidence support your contention that this Debt was discharged in bankruptcy.

7. Specifically identify the number of times you actually spoke to Defendant or its representatives about the Debt, as well as the dates and content of those communications.
8. Specifically identify the number of times you initiated contact with Defendant or its representative about the Debt, as well as the dates and content of those communications.
9. To your knowledge, specifically identify the number of times Defendant communicated with third parties about Plaintiff and/or the Debt and describe the content of those communications.
10. Specifically describe what harm Defendant caused you in attempting to collect the Debt.
11. Specifically identify what collection efforts intimidated you into making a payment to Defendant on May 3, 2006, as stated in paragraph 19 of your Complaint, and how those efforts intimidated you.
12. Specifically identify what collection efforts intimidated you into making a payment to Defendant on June 13, 2006, as stated in paragraph 20 of your Complaint, and how those efforts intimidated you.
13. Specifically identify what facts support your contentions in paragraph 24 of your Complaint.
14. Identify any persons Plaintiff expects to call as an expert witness at trial, and further state with particularity and specificity for every person set forth in the response to this interrogatory:
  - (a) The subject matter on which each expert is expected to testify;

- (b) The substance of the facts and opinions to which each expert is expected to testify and a summary of the grounds for each opinion, correlating the expert(s) named with the substance of the facts and opinions about which he will testify and a summary of the grounds for each opinion; and
- (c) The name, date, publisher and author of any scientific, technical or professional text, treatise, journal or similar publication to which each expert will refer, consider or rely on at trial in support of his expert opinion.

15. Identify any statements Plaintiff or Plaintiff's attorneys or agents have made, given or secured from any persons having or claiming to have knowledge of facts concerning the subject matter of this action, and further state or identify with respect to each such statement:

- (a) The person from whom such statement was secured;
- (b) The date such statement was secured;
- (c) The person securing each such statement;
- (d) Whether the statement was oral, written or recorded; and
- (e) A summary of the statement.

16. Identify any documents which Plaintiff has not or will not produce in response to Defendant's requests for production served contemporaneously with these interrogatories, and further state with particularity for each such document the factual basis for any asserted privilege or objection which Plaintiff contends relieves her of the obligation to produce such document.



17. With respect to each separately numbered paragraph (including separately designated subparagraphs) of Plaintiff's Complaint:

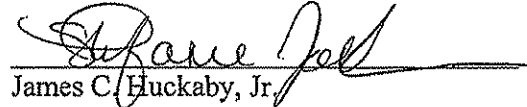
- (a) State each and every fact upon which Plaintiff contends supports each paragraph; and
- (b) With respect to each fact referred to in response to subparagraph (a) hereof:
  - (i) Identify each person who has or purports to have knowledge of the same; and
  - (ii) Identify each document or tangible thing which relates to, reflects or supports the same.

18. If your response to any separately numbered request for admission in the requests for admission served upon you contemporaneously with these interrogatories was other than an unequivocal admission:

- (a) State each and every fact upon which you rely to support your responses to said request; and
- (b) With respect to each fact referred to in your response to subpart (a) thereof:
  - (i) State the name of each person who has or purports to have knowledge of the same; and
  - (ii) Identify each document or tangible thing that relates to, reflects or supports the same.

This 5 day of October, 2007.

Respectfully submitted,



James C. Huckaby, Jr.  
J. Kirkman Garrett

*Local Counsel for  
Medical Data Systems, Inc.*

CHRISTIAN & SMALL LLP  
505 North 20th Street  
Suite 1800  
Birmingham, AL 35203  
Telephone: (205) 795-6588  
Facsimile: (205) 328-7234

John G. Parker  
(Admitted *pro hac vice*)  
Georgia Bar No. 562425  
Donald H. Crawford II  
(Admitted *pro hac vice*)  
Georgia Bar No. 141753  
Stefanie Jackman  
(Admitted *pro hac vice*)  
Georgia Bar No. 335652

*Counsel for Medical Data Systems, Inc.*

PAUL, HASTINGS, JANOFSKY  
& WALKER LLP  
600 Peachtree Street, N.E.  
Suite 2400  
Atlanta, Georgia 30308-2222  
Telephone: (404) 815-2400  
Facsimile: (404) 815-2424

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing pleading upon all counsel of record in this cause by placing a copy of same in the United States Mail, postage prepaid, addressed as follows:

Michael D. Brock, Esq.  
Gary Wyatt Stout, Esq.  
Walter Allen Blakeney, Esq.  
David Gerald Poston, Esq.  
BROCK & STOUT  
PO Drawer 311167  
Enterprise, AL 36331-1167  
[brockstout@enter.twcbc.com](mailto:brockstout@enter.twcbc.com)  
[walter@circlecitylaw.com](mailto:walter@circlecitylaw.com)  
[david@circlecitylaw.com](mailto:david@circlecitylaw.com)

This 5 day of October, 2007.

  
Stefanie Jackman

PAUL, HASTINGS, JANOFSKY & WALKER LLP  
600 Peachtree Street, N.E.  
Suite 2400  
Atlanta, Georgia 30308-2222  
Telephone: (404) 815-2400  
Facsimile: (404) 815-2424

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

CYNTHIA TONEY,

Plaintiff,

v.

MEDICAL DATA SYSTEMS, INC. d/b/a  
MEDICAL REVENUE SERVICES, INC.,

Defendant.

CASE NO. 2:06-CV-949

**DEFENDANT'S FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS**

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Defendant MEDICAL DATA SYSTEMS, INC. d/b/a MEDICAL REVENUE SERVICES ("Defendant") serves the following requests for production of documents upon Plaintiff, CYNTHIA TONEY a/k/a CYNTHIA PASSMORE ("Plaintiff"), to be answered in accordance with the Rules and the following instructions and definitions:

**GENERAL INSTRUCTIONS AND DEFINITIONS**

1. Plaintiff is required to respond to these requests within thirty (30) days from date of service by mail in the form and manner required under Rules 26 and 34 of the Federal Rules of Civil Procedure.
2. In the event that any document called for by this request is withheld on the basis of a claim of privilege, please identify that document by stating its author(s), addressee(s), indicated or blind copy recipient(s), date, subject matter, number of pages, attachments or

appendixes, all persons to whom the documents was distributed, shown, or explained, present custodian, and the nature of the claimed privilege in the form of a privilege log.

3. If any document requested was, but no longer is in your possession, or subject to your control, please state:

- a. The date of its disposition;
- b. The manner of its disposition (e.g., lost, destroyed, transferred to a third party); and,
- c. An explanation of the circumstances surrounding the disposition of the document.

4. For the purpose of interpreting or construing the scope of these Discovery Requests, terms used should be given their most expansive and inclusive interpretations unless otherwise specifically limited in any particular respect. This includes, without limitation, the following:

- a. Construing "and" as well as "or" in the conjunctive or disjunctive as necessary to make the request more inclusive;
- b. Construing the singular form of a word to include the plural and the plural form to include the singular;
- c. Construing the past tense of a verb to include the present and the present tense to include the past; and
- d. Construing the terms "refer to," "reflect," and "relating to" to include any connection whatsoever, direct or indirect, with the requested subject matter.

5. These Discovery Requests shall be deemed continuing to the extent set forth by the Federal Rules of Civil Procedure so as to require further and supplemental answers by

Plaintiff in the event she obtains or discovers additional or different information between the time of her initial answers and the time of any hearing or trial.

6. In answering these Discovery Requests, Plaintiff should furnish such information as is known or is available to her regardless of whether this information is obtained directly by, or known to, her attorneys or other agents or representatives.

7. The following words and phrases shall have the following meanings:

- a. "You" or "your" refers to Plaintiff Cynthia Toney, a/k/a Cynthia Passmore, and any of her past or present agents, employees, attorneys, consultants, advisors, representatives, or anyone otherwise acting on her behalf;
- b. "Document" or "documents" has the meaning intended by the Rules and includes the originals, all copies of which are not identical to the original or to each other, and all drafts of all written, reported, recorded, or graphic matter, however produced or reproduced, now or at any time in Plaintiff's possession, custody, or control, including, but not limited to, correspondence, contracts, telegrams, memoranda, minutes, notes, reports, records, drafts, recordings, notebooks, plans, computer print-outs, and all records by electronic, photographic or mechanical means. All documents within Plaintiff's possession, custody, or control shall be produced. Without limitation, a document is deemed to be in Plaintiff's control if she has a superior right to compel the production of the requested discovery from a third party (including an agency, authority, or representative).
- c. "Plaintiff" means Cynthia Toney, a/k/a Cynthia Passmore.
- d. "Defendant" means Medical Data Systems, Inc.
- e. "Complaint" means Plaintiff's complaint in this matter.

- f. "Debt" or "Debts" means the purported obligation referenced in Plaintiff's Complaint and all debt which Defendant sought to reclaim in the letter that is at issue in this litigation.

**DEFENDANT'S SPECIFIC REQUESTS FOR PRODUCTION OF DOCUMENTS**

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, please produce the following documents:

1. Produce any and all collection notices, collection letters, and/or other correspondence directed to Plaintiff from Defendant relating to Plaintiff's Debt as referenced in Plaintiff's Complaint.
2. All correspondence sent to Defendant by Plaintiff relating to the Debt.
3. All correspondence sent to Defendant by Plaintiff relating to this litigation.
4. All correspondence received by Plaintiff from Defendant relating to the Debt and/or Defendant's attempts to collect the Debt.
5. All correspondence sent by Plaintiff to Medical Center Enterprise relating to the Debt.
6. All correspondence received by Plaintiff relating to this litigation.
7. Copies of all checks or other forms of payment mailed by Plaintiff to Defendant in order to satisfy the Debt, in whole or in part.
8. Copies of all checks or other forms of payment mailed by Plaintiff to Medical Center Enterprise in order to satisfy the Debt, in whole or in part.
9. Copies of any checks or other forms of payment mailed by Plaintiff to Defendant under the terms of the payment plan(s) set up between Plaintiff and Defendant.

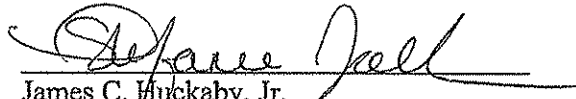
10. Any and all audio or tape recordings of any calls between Plaintiff and Defendant.
11. Any and all correspondence known by Plaintiff to have been received by third parties from Defendant.
12. Any and all documents relating to the payment plan(s) set up between Plaintiff and Defendant.
13. Any and all documents which support any of Plaintiff's allegations as set forth in her Complaint.
14. All of Plaintiff's phone records from February, 2006 through March, 2007.
15. Copies of any and all medical bills received by Plaintiff from Medical Center Enterprise and related to the Debt at issue in this litigation.
16. All documents sent to Defendant in which Plaintiff requested that Defendant cease communications or otherwise stated that Plaintiff would not pay the Debt.
17. All documents Plaintiff contends discharged her liability for the Debt.
18. All documents relating to or concerning the bankruptcy action initiated by Plaintiff in November, 2002 which Plaintiff contends support her allegation that the Debt was discharged.
19. All documents you were requested to identify in response to any Interrogatory served upon you contemporaneously with these Requests.
20. All documents related to your answers, or upon which you relied in answering, any of Defendant's interrogatories or requests for admissions.
21. All documents that support or refute, or which the Plaintiff contends support or refute, each of the statements and claims made in the Plaintiff's Complaint.



22. All documents that support or refute, or which the Plaintiff contends support or refute, Plaintiff's denial or partial denial of any of the requests for admissions served contemporaneously with these Requests.
23. All documents that were provided to or reviewed by any expert hired by Plaintiff in regard to this matter.
24. All documents that Plaintiff intends to rely upon or use in any trial related to this matter.

This 5 day of October, 2007.

Respectfully submitted,

  
James C. Muckaby, Jr.  
J. Kirkman Garrett

*Local Counsel for  
Medical Data Systems, Inc.*

CHRISTIAN & SMALL LLP  
505 North 20th Street  
Suite 1800  
Birmingham, AL 35203  
Telephone: (205) 795-6588  
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John G. Parker  
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Georgia Bar No. 562425  
Donald H. Crawford II  
(Admitted *pro hac vice*)  
Georgia Bar No. 141753  
Stefanie Jackman  
(Admitted *pro hac vice*)  
Georgia Bar No. 335652

*Counsel for Medical Data Systems, Inc.*

PAUL, HASTINGS, JANOFSKY  
& WALKER LLP  
600 Peachtree Street, N.E.  
Suite 2400  
Atlanta, Georgia 30308-2222  
Telephone: (404) 815-2400  
Facsimile: (404) 815-2424

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing pleading upon all counsel of record in this cause by placing a copy of same in the United States Mail, postage prepaid, addressed as follows:

Michael D. Brock, Esq.  
Gary Wyatt Stout, Esq.  
Walter Allen Blakeney, Esq.  
David Gerald Poston, Esq.  
BROCK & STOUT  
PO Drawer 311167  
Enterprise, AL 36331-1167  
[brockstout@enter.twcbc.com](mailto:brockstout@enter.twcbc.com)  
[walter@circlecitylaw.com](mailto:walter@circlecitylaw.com)  
[david@circlecitylaw.com](mailto:david@circlecitylaw.com)

This 5 day of October, 2007.

  
Stefanie Jackman

PAUL, HASTINGS, JANOSKY & WALKER LLP  
600 Peachtree Street, N.E.  
Suite 2400  
Atlanta, Georgia 30308-2222  
Telephone: (404) 815-2400  
Facsimile: (404) 815-2424

## Exhibit 2

**Jackman, Stefanie H.**

---

**From:** Jackman, Stefanie H.  
**Sent:** Tuesday, October 30, 2007 2:00 PM  
**To:** 'David Poston'  
**Cc:** Boudreau, Candace E.  
**Subject:** RE: Toney v. Medical Data

David,

I am happy to propose an alternative location in Dothan or, if it would be more convenient for you and Ms. Toney, I am happy to come to your office for the deposition. Please let me know your preference.

I am available for this deposition on December 4, 5, 6, and 11-14. Please let me know which date is most convenient.

Stefanie

---

Stefanie H. Jackman, Associate | Paul, Hastings, Janofsky & Walker LLP | 600 Peachtree Street, N.E., Suite 2400,  
Atlanta, GA 30308 | direct: 404 815 2298 | main: 404 815 2400 | direct fax: 404 685 5298  
| [stefaniejackman@paulhastings.com](mailto:stefaniejackman@paulhastings.com) | [www.paulhastings.com](http://www.paulhastings.com)

---

**From:** David Poston [<mailto:david@circlecitylaw.com>]  
**Sent:** Tuesday, October 30, 2007 1:40 PM  
**To:** Jackman, Stefanie H.  
**Subject:** Toney v. Medical Data

Stefanie:

In the above-styled case, please be advised that Ms. Toney will not attend the currently scheduled deposition for December 4, 2007, in Birmingham, Alabama. This case was filed in the Middle District of Alabama, Southern Division, which is in Dothan, Alabama. It is unreasonable to expect Ms. Toney or myself to travel 3 ½ hours to a deposition. Furthermore, you did not so much as propose dates for depositions.

If you wish to reschedule for a location in Dothan, Alabama, please provide me dates in which you are available.

Please provide a response no later than November 2, 2007, or I will seek a protective order.

David G. Poston  
BROCK & STOUT  
P. O. Drawer 311167  
Enterprise, AL 36331-1167  
[david@circlecitylaw.com](mailto:david@circlecitylaw.com)

12/27/2007

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12/27/2007

**Jackman, Stefanie H.**

---

**From:** Walter Blakeney [walter@circlecitylaw.com]  
**Sent:** Thursday, November 29, 2007 4:18 PM  
**To:** Jackman, Stefanie H.  
**Subject:** RE: Toney depositions

Stefanie:

I apologize for my delay in responding. My office is agreeable to rescheduling Ms. Toney's depositions given our delay in providing you with the Plaintiff's responses to the Defendant's discovery requests. Those responses will be provided to you as quickly as possible. We will check on our client's availability during weeks in January you suggested and provide you with possible deposition dates. Per your email, my office will likely travel to Sebring to take additional depositions rather than attempt to hold them in Birmingham. As such, we would prefer that Ms. Toney's deposition be taken in Enterprise. I will contact you in the future regarding the scheduling of the Sebring depositions.

If you have any questions or comments feel free to contact me at your convenience.

Walter

Walter A. Blakeney  
BROCK & STOUT  
P. O. Drawer 311167  
Enterprise, AL 36331-1167  
[walter@circlecitylaw.com](mailto:walter@circlecitylaw.com)

334-671-2044

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---

**From:** Jackman, Stefanie H. [mailto:stefaniejackman@paulhastings.com]  
**Sent:** Tuesday, November 27, 2007 4:08 PM  
**To:** Walter Blakeney  
**Cc:** dposton724@gmail.com; Crawford, Donald H.; Lobodinski, Denise M.  
**Subject:** Toney depositions

Walter,

I wanted to follow up on some of the issues we just discussed regarding Toney.

Given the stay, I am not concerned if you notice additional depositions after November 30, however, we reserve the right to object on other available grounds to the issuance of those subpoenas.

Also, given that I have no idea of the availability of my client or that of any employees that you may also notice depositions for, unless you will be willing to pay my client's expenses and those of other employees you may wish to depose for traveling to Birmingham, I will need to insist that any additional depositions take place in Sebring or where the additional employees you wish to depose are located.

I understand we will be rescheduling Ms. Toney's deposition in order to give you time to send your discovery

12/27/2007

responses and me time to digest them and determine if a deposition of Ms. Toney is still necessary, given your responses. As we discussed, let's plan to reschedule Ms. Toney's deposition for after the holidays in early January. Assuming a joint deposition in Birmingham does not occur, I am still willing to come to Enterprise for Ms. Toney's deposition. I propose any day during the week of January 7th or 14th for the rescheduled deposition. Please confirm your agreement to rescheduling Ms. Toney's deposition to allow for adequate time for you to respond to discovery and for me to review it.

Please let me know if you have any questions.

Sincerely,  
Stefanie

---

Stefanie H. Jackman, Associate | Paul, Hastings, Janofsky & Walker LLP | 600 Peachtree Street, N.E., Suite 2400,  
Atlanta, GA 30308 | direct: 404 815 2298 | main: 404 815 2400 | direct fax: 404 685 5298  
| [stefaniejackman@paulhastings.com](mailto:stefaniejackman@paulhastings.com) | [www.paulhastings.com](http://www.paulhastings.com)

---

\*\*\*\*\*  
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12/27/2007



## Exhibit 3

1/17/2007

Medical Data Systems, Inc. / dba Medical Revenue Services

2:06PM

Debtor Information Face Sheet**CAMBRON, JAMES R**

Debtor Name <b>CAMBRON, JAMES R</b>		Client Code <b>03572</b>		Client Member <b>Flowers Hospital</b>	
Address <b>PO BOX 464</b>		P.O. Box, Suite Number, Mailbox Number		Telephone Number <b>(334) 598-5411</b>	
City, State Zip Code <b>DALEVILLE, AL 36322-0464</b>		Current Employer <b>J And S Enterprise*Vrzn Wrls Disc</b>		Employer Telephone	
Date Of Birth <b>12/01/1947</b>	Social Security <b>417-60-3974</b>	Placement Date <b>10/17/2001</b>	Lift Days <b>20 Days</b>	Extension <b>09/21/2005</b>	Status <b>Z</b>
Letter Assigned		Last Activity <b>01/17/2007</b>			
Additional Comments <b>fld ch 7 9/8/05</b>					

Account N°	Service Date	Placement Date	Account Status	Amount Placed	Total Payments	Total Adjustments	Current Balance	Patient Name
*9708100109	03/22/1997	10/15/2001		\$1,386.55	\$0.00	\$1,386.55	\$0.00	LEHR, TIMMY J
*9708500163	03/26/1997	10/15/2001		\$307.68	\$0.00	\$307.68	\$0.00	LEHR, TIMMY J
*0307000545	03/13/2003	07/02/2004		\$58.77	\$0.00	\$58.77	\$0.00	CAMBRON, JAMES R
*0402400129	01/24/2004	04/04/2005		\$65.85	\$0.00	\$65.85	\$0.00	CAMBRON, JAMES R
*0402500112	01/25/2004	04/04/2005		\$55.74	\$0.00	\$55.74	\$0.00	CAMBRON, JAMES R
<b>Total Accounts:</b>				<b>\$1,874.59</b>	<b>\$0.00</b>	<b>\$1,874.59</b>	<b>\$0.00</b>	

Debtor Notes

11/25/2002	MAIL RETURN NEW ADDRESS	Toni Neal
11/25/2002	removing 276 nathan dr zip 36322-6410	Toni Neal
11/25/2002	Debtor Lift Days Changed From 22 To 25	Toni Neal
11/25/2002	Debtor Extension Re-Assigned To 12/20/2002	Toni Neal
11/25/2002	Letter PL3 Sent To Guarantor	System Administrator
07/02/2004	POSSIBLE NEW ADDRESS: P O Box 464	System Administrator
07/02/2004	Po Box 464	System Administrator
07/02/2004	Daleville AL 36322-0000	System Administrator
07/02/2004	Debtor Status Changed From Z To UL	Medical Data Administrator
07/20/2004	Left Message At Residence	Louisa Christina Rivera
07/20/2004	Left Message At Residence	Louisa Christina Rivera
07/20/2004	Left Message At Place Of Employment	Louisa Christina Rivera
07/20/2004	Letter PL1 Assigned To Debtor	Louisa Christina Rivera
07/20/2004	Debtor Status Changed From UL To P2	Louisa Christina Rivera
07/20/2004	Debtor Extension Re-Assigned To 08/19/2004	Louisa Christina Rivera
07/21/2004	Letter PL1 Sent To The Debtor	Letter Manager
04/04/2005	POSSIBLE NEW ADDRESS: P O Box 464	System Administrator
04/04/2005	Po Box 464	System Administrator
04/04/2005	Daleville AL 36322-0000	System Administrator
04/04/2005	POSSIBLE NEW ADDRESS: P O Box 464	System Administrator
04/04/2005	Po Box 464	System Administrator
04/04/2005	Daleville AL 36322-0000	System Administrator
04/04/2005	Debtor Status Changed From P2 To UL	Medical Data Administrator
04/06/2005	POSSIBLE NEW ADDRESS: P O Box 464	System Administrator
04/06/2005	Po Box 464	System Administrator
04/06/2005	Daleville AL 36322-0000	System Administrator
04/06/2005	POSSIBLE NEW ADDRESS: P O Box 464	System Administrator
04/06/2005	Po Box 464	System Administrator
04/06/2005	Daleville AL 36322-0000	System Administrator
04/14/2005	Debtor Status Changed From UL To P1	Emily M Lewis
04/14/2005	Debtor Extension Re-Assigned To 04/14/2005	Emily M Lewis
04/14/2005	Checked Facility For Additional Info	Emily M Lewis
04/14/2005	Checked Facility For Additional Info	Emily M Lewis
04/14/2005	Insurance Paid Balance Due By Guarantor	Emily M Lewis
04/14/2005	Insurance Paid Balance Due By Guarantor	Emily M Lewis
04/19/2005	Letter PL1 Assigned To Debtor	Barbara Ann Thomas
04/19/2005	Debtor Status Changed From P1 To P2	Barbara Ann Thomas
04/19/2005	Debtor Extension Re-Assigned To 05/19/2005	Barbara Ann Thomas

1/17/2007

**Medical Data Systems, Inc. / dba Medical Revenue Services**  
**Debtor Information Face Sheet**

2:06PM

**CAMBRON, JAMES R**

04/19/2005	Address Changed From P.O.Box 464 Po Box 464	Barbara Ann Thomas
04/19/2005	Daleville, AL 36322-0464	Barbara Ann Thomas
04/19/2005	New Address P.O.Box 464	Barbara Ann Thomas
04/19/2005	Daleville, AL 36322-0464	Barbara Ann Thomas
04/19/2005	Employment Number Disc or nils vrn wrls (334) 790-9153	Barbara Ann Thomas
04/19/2005	No Answer At Residence mibx full	Barbara Ann Thomas
04/20/2005	Letter PL1 Sent To The Debtor	Letter Manager
09/01/2005	Letter PL2 Assigned To Debtor	Kristin Nicole Gwartney
09/01/2005	Debtor Status Changed From P2 To P3	Kristin Nicole Gwartney
09/01/2005	Debtor Extension Re-Assigned To 09/21/2005	Kristin Nicole Gwartney
09/01/2005	No Answer At Residence	Kristin Nicole Gwartney
09/06/2005	Letter PL2 Sent To The Debtor	Letter Manager
09/21/2005	Debtor Status Changed From P3 To SU	Daniel F. Dacey
09/21/2005	Cancellation Request Made On This Account	Daniel F. Dacey
09/21/2005	Cancellation Request Made On This Account	Daniel F. Dacey
09/21/2005	Cancellation Request Made On This Account	Daniel F. Dacey
09/21/2005	Cancellation Request Made On This Account	Daniel F. Dacey
09/21/2005	Cancellation Request Made On This Account	Daniel F. Dacey
09/21/2005	Guarantor Bankrupt	Daniel F. Dacey
09/21/2005	cs#05-11879 ;dtfid9/8/05 ;ch7 ;attnyr gil 188 n foster st ste	Daniel F. Dacey
09/21/2005	100 dothan al 36303 334-673-0100 ;	Daniel F. Dacey
09/22/2005	Debtor Status Changed From SU To Z	Gary C. Rowe
05/19/2006	Debtor Information Face Sheet Requested	Lisa Flanagan
06/30/2006	Debtor Information Face Sheet Requested	Helen Perrotta
01/17/2007	Debtor Information Face Sheet Requested	Helen Perrotta
01/17/2007	Debtor Information Face Sheet Requested	Helen Perrotta
01/17/2007	Debtor Information Face Sheet Requested	Helen Perrotta

1/19/2007

**Medical Data Systems, Inc. / dba Medical Revenue Services**  
**Debtor Information Face Sheet**

11:13AM

**CAMBRON, WENDY L**

Debtor Name <b>CAMBRON, WENDY L</b>		Client Code <b>03572</b>		Client Memo <b>Flowers Hospital</b>	
F.O. Box, Suite Number, Mailbox Number <b>PO BOX 464</b>		Telephone Number <b>(334) 598-5411</b>			
City, State Zip Code <b>DALEVILLE, AL 36322-0000</b>		Current Employer <b>CIA COLLECTIONS</b>		Employer Telephone <b>(334) 598-5411</b>	
Date Of Birth <b>05/08/1971</b>	Social Security <b>419-23-7103</b>	Placement Date <b>05/02/2005</b>	Lit Days	Extension <b>09/01/2005</b>	Status <b>SU</b>
Letter Assigned		Last Activity <b>12/13/2006</b>			

Additional Comments  
**fid ch 7 9/8/05**

Account No	Service Date	Placement Date	Account Status	Amount Placed	Total Payments	Total Adjustments	Current Balance	Patient Name
0323900637	08/27/2003	05/02/2005		\$175.00	\$0.00	\$175.00	\$0.00	CAMBRON, WENDY L
Total Accounts:				\$175.00	\$0.00	\$175.00	\$0.00	

## Debtor Notes

05/20/2005	Debtor Status Changed From UL To P1	Emily M Lewis
05/20/2005	Debtor Extension Re-Assigned To 05/20/2005	Emily M Lewis
05/20/2005	Checked Facility For Additional Info	Emily M Lewis
05/20/2005	Insurance Paid Balance Due By Guarantor	Emily M Lewis
05/24/2005	Letter PL1 Assigned To Debtor	Louisa Christina Rivera
05/24/2005	Debtor Status Changed From P1 To P2	Louisa Christina Rivera
05/24/2005	Debtor Extension Re-Assigned To 06/23/2005	Louisa Christina Rivera
05/24/2005	No Answer At Residence	Louisa Christina Rivera
05/25/2005	Letter PL1 Sent To The Debtor	Letter Manager
09/01/2005	Debtor Status Changed From P2 To NC	Kristin Nicole Gwartney
09/01/2005	Debtor Extension Re-Assigned To 09/01/2005	Kristin Nicole Gwartney
09/01/2005	Residence Number Disc / Wrong# / Nonpub	Kristin Nicole Gwartney
09/21/2005	Debtor Status Changed From NC To SU	Daniel F. Dacey
09/21/2005	Cancellation Request Made On This Account	Daniel F. Dacey
09/21/2005	Guarantor Bankrupt	Daniel F. Dacey
11/2005	cs#05-11879 ;dtld9/8/05 ;ch7 ;attnyr gil 188 n foster st ste	Daniel F. Dacey
12/2005	n100 dothan al 36303 334-673-0100 ;	Daniel F. Dacey
12/13/2006	Debtor Information Face Sheet Requested	Dave Miller

1/19/2007

Medical Data Systems, Inc. / dba Medical Revenue Services

11:12AM

**Debtor Information Face Sheet****CAMBRON, WENDY R**

Debtor Name <b>CAMBRON, WENDY R.</b>		Client Code <b>03590</b>		Client Member <b>Medical Center Enterprise</b>	
Address <b>BOX 464</b>		P.O. Box, Suite Number, Mailbox Number <b>276 Nathan Drive</b>		Telephone Number <b>(334) 598-5411</b>	
City, State Zip Code <b>DALEVILLE, AL 36322-0000</b>		Current Employer		Employer Telephone <b>(334) 494-4351</b>	
Date Of Birth <b>05/08/1971</b>	Social Security <b>419-23-7103</b>	Placement Date <b>12/15/2006</b>	Unit Days	Extension <b>12/15/2006</b>	Status <b>Z</b>
Letter Assigned				Last Activity <b>01/03/2007</b>	

Additional Comments

**FLD CHAP 7 CS# 05-11879 ATNY DAVID G POSTON PH# 334-671-5555**

Account N°	Service Date	Placement Date	Account Status	Amount Placed	Total Payments	Total Adjustments	Current Balance	Patient Name
00810900023	04/19/2006	12/15/2006		\$2,349.51	\$0.00	\$0.00	\$2,349.51	CAMBRON, WENDY R
00808000233	03/01/2006	12/15/2006		\$9,728.14	\$0.00	\$0.00	\$9,728.14	CAMBRON, WENDY R
<b>Total Accounts:</b>				<b>\$12,077.65</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$12,077.65</b>	

Debtor Notes

12/15/2006 Letter PL1 Assigned To Debtor  
 12/15/2006 EMP. PHONE CHANGED FROM: TO:3344944351  
 12/19/2006 Letter PL1 Sent To The Debtor  
 01/03/2007 Debtor Status Changed From UL To Z  
 01/03/2007 Charge Status Set to BNK  
 01/03/2007 Charge Status Set to BNK  
 01/03/2007 Guarantor Bankrupt  
 01/03/2007 FLD CHAP 7 CS# 05-11879 ATNY DAVID G POSTON PH# 334-671-5555

Medical Data Administrator  
 Medical Data Administrator  
 Letter Manager  
 Theresa Turner  
 Theresa Turner  
 Theresa Turner  
 Theresa Turner  
 Theresa Turner

JAN 19 2007

## Exhibit 4

03/06/2007

**Medical Data Systems, Inc. / dba Medical Revenue Services**  
**Debtor Information Face Sheet**

2:06PM

**PASSMORE, CYNTHIA F**

Debtor Name <b>PASSMORE, CYNTHIA F</b>		Client Code <b>03590</b>		Client Manager <b>Medical Center Enterprise</b>	
Street Address <b>43 SOUTHLAND TRAILOR</b>		P.O. Box, Suite Number, Mailbox Number		Telephone Number <b>(334) 670-0573</b>	
City, State Zip Code <b>TROY, AL 36079-0000</b>		Current Employer		Employer Telephone	
Date Of Birth <b>06/24/1964</b>	Social Security <b>418-06-8308</b>	Placement Date <b>01/30/2006</b>	Lit Days <b>1 Days</b>	Extension <b>09/06/2006</b>	Status <b>Z</b>
Additional Comments <b>FLD CHAP 13 DT FDL 11-11-02 CS# 02-12547 ATNY MICHAEL D BROCK PH# 334-393-4357</b>		Letter Assigned		Last Activity <b>03/06/2007</b>	
Account N°	Service Date	Placement Date	Account Status	Amount Placed	Total Payments
E0323100026	08/19/2003	01/27/2006		\$55.00	\$0.00
E0333200036	11/28/2003	01/27/2006		\$75.00	\$0.00
E0322400161	08/12/2003	01/27/2006		\$447.65	\$150.00
<b>Total Accounts:</b>				<b>\$577.65</b>	<b>\$150.00</b>
				<b>\$427.65</b>	<b>\$0.00</b>
Current Balance Patient Name					
PASSMORE, CYNTHIA F					
PASSMORE, CYNTHIA F					
PASSMORE, CYNTHIA F					

**Debtor Notes**

02/16/2006	Charge Status Set to RBAL	Betty Morris
02/16/2006	Debtor Status Changed From UL To P1	Betty Morris
02/16/2006	Insurance Paid Balance Due By Guarantor	Betty Morris
02/16/2006	Insurance Paid Balance Due By Guarantor	Betty Morris
02/16/2006	Checked Facility For Additional Info	Betty Morris
02/16/2006	Checked Facility For Additional Info	Betty Morris
02/16/2006	Checked Facility For Additional Info	Betty Morris
03/23/2006	Charge Status Changed From RBAL To INSX	Monica Marquez
03/23/2006	Talked To Guarantors Insurance Carrier	Monica Marquez
03/23/2006	per bcbs recorder ctm pressed on 9/25/03 and 472.65 went towards	Monica Marquez
03/23/2006	pt ded amt, pt liable	Monica Marquez
04/19/2006	Letter PL1 Assigned To Debtor	Denise Bobelak
04/19/2006	Debtor Status Changed From P1 To P2	Denise Bobelak
04/19/2006	Debtor Extension Re-Assigned To 05/19/2006	Denise Bobelak
04/19/2006	No Answer At Residence	Denise Bobelak
04/20/2006	Letter PL1 Sent To The Debtor	Letter Manager
04/27/2006	Debtor Status Changed From P2 To E	Trisda Marshall
04/27/2006	Debtor Extension Re-Assigned To 05/17/2006	Trisda Marshall
04/27/2006	Return Call From Guarantor	Trisda Marshall
04/27/2006	mm gvn dblr vfyd dob qbr wrtd to be pt on PPLAN sid that she	Trisda Marshall
04/27/2006	cid mail out first pymnt of 50.00 on 5/12/06 Informd dbr she	Trisda Marshall
04/27/2006	wid be set up on a PPLAN aftr wa receive frst pymnt	Trisda Marshall
05/06/2006	Debtor Extension Re-Assigned To 05/09/2006	Victoria Rana Williams
05/09/2006	Debtor Extension Re-Assigned To 05/31/2006	Denise Bobelak
05/09/2006	Charge Status Changed From INSX To PPLAN	Denise Bobelak
05/09/2006	Charge Status Set to PPLAN	Denise Bobelak
05/09/2006	Charge Status Set to PPLAN	Denise Bobelak
05/09/2006	Payment Arrangement Setup For \$50.00 Every 30 Days	Denise Bobelak
05/09/2006	Letter PPLAN Assigned To Debtor	Denise Bobelak
05/09/2006	Debtor Status Changed From E To PPLAN	Denise Bobelak
05/09/2006	Debtor Extension Re-Assigned To 05/09/2006	Denise Bobelak
05/16/2006	Debtor Extension Re-Assigned To 06/05/2006	Denise Bobelak
06/06/2006	Letter PPLAN Sent To The Debtor	Letter Manager
06/06/2006	Debtor Extension Re-Assigned To 06/28/2006	Denise Bobelak
06/15/2006	Debtor Extension Re-Assigned To 07/15/2006	Victoria Rana Williams
07/05/2006	No Answer At Residence	Belinda Anderson
07/10/2006	Letter PPLAN Sent To The Debtor	Letter Manager
07/17/2006	Debtor Extension Re-Assigned To 07/31/2006	Belinda Anderson
07/17/2006	Talked To Guarantor At Residence	Belinda Anderson
07/17/2006	Cld askd fr debtor sh answd ph sh identdf hrslf as debtor i	Belinda Anderson

03/06/2007

Medical Data Systems, Inc. / dba Medical Revenue Services  
Debtor Information Face Sheet

2:08PM

**PASSMORE, CYNTHIA F**

07/17/2006	sd whr i ws cllng frm ph discond convrs ended	Belinda Anderson
08/01/2006	Talked To Guarantor At Residence	Belinda Anderson
08/01/2006	spk wth debtor sh identfd hrslf i mmd hr sd tht cll was a followup	Belinda Anderson
08/01/2006	cll per pmt pln egred sd sh forgot bt wll end pmyt in nx wk	Belinda Anderson
08/01/2006	8-4-06 i sd i'll do another follow up cll per tht pymt of \$50.00	Belinda Anderson
08/01/2006	convrs ended	Belinda Anderson
08/07/2006	Debtor Status Changed From PPLAN To DFLT	Medical Data Administrator
08/07/2006	Charge Status PPLAN Removed From Account	Medical Data Administrator
08/08/2006	Letter PPLAN Not Sent: Debtor Defaulted On Payment Plan	Letter Manager
08/11/2006	No Answer At Residence	Belinda Anderson
08/18/2006	Letter DEFAULT Assigned To Debtor	Belinda Anderson
08/18/2006	Debtor Status Changed From DFLT To P2	Belinda Anderson
08/18/2006	Debtor Extension Re-Assigned To 08/08/2006	Belinda Anderson
08/18/2006	No Answer At Residence	Belinda Anderson
08/24/2006	Letter DEFAULT Sent To The Debtor	Letter Manager
09/06/2006	Debtor Status Changed From P2 To E	Theresa Turner
09/05/2006	Debtor Extension Re-Assigned To 09/06/2006	Theresa Turner
09/07/2006	Guarantor Bankrupt	Theresa Turner
09/07/2006	FLD CHAP 13 DT FDL 11-11-02 CS# 02-12547 ATNY MICHAEL D BROCK	Theresa Turner
09/07/2006	PH# 334-393-4357	Theresa Turner
09/07/2006	Debtor Status Changed From E To Z	Theresa Turner
09/07/2006	Charge Status Set to BNK	Theresa Turner
09/07/2006	Charge Status Set to BNK	Theresa Turner
09/07/2006	Charge Status Set to BNK	Theresa Turner
09/07/2006	Cancellation Request Made On This Account	Medical Data Administrator
09/07/2006	Cancellation Request Made On This Account	Medical Data Administrator
09/07/2006	Cancellation Request Made On This Account	Medical Data Administrator
03/06/2007	Debtor Information Face Sheet Requested	Nancy Matos